

REMARKS

Claims 1-19, 21-25, and 27-38 were rejected. By virtue of this response, claims 1, 3-10, 19, 35, and 38 are amended. Claim 37 is cancelled. Thus, claims 1-19, 21-25, 27-30, 33-36, and 38 are pending. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented. No new matter is added.

I. Claim Rejections Under 35 U.S.C. § 102

Claims 35-38 were rejected under 35 U.S.C. 102(a) as allegedly being anticipated by LM Ericsson International Publication No.: WO-2004/016012 A1 (“Telefonaktiebolaget”).

A. Independent Claim 35; Dependent Claims 36 and 37

Independent claim 35 recites, in part, “the user request message includes a request for a multicast service, the first list of receivable neighbouring cells, and **the signal measurement** for each cell in the list of receivable neighbouring cells.” (Emphasis added) Thus, the user request message includes the actual signal measurement for each cell in the list of neighbouring cells.

In the final Office Action, the Examiner cites to Telefonaktiebolaget paragraph 0051 as disclosing this element. Paragraph [0051] states that “a mobile station 70 reports its ‘active set’ to the network 12, which might entail reporting the set of RBSs 34 from which it receives signals above a given signal strength.” Thus, Telefonaktiebolaget discloses that the mobile station only reports RBSs with signals above a threshold value.

Therefore, Telefonaktiebolaget at least fails to disclose or suggest that the mobile station reports “**the signal measurement** for each cell in the list of receivable neighbouring cells,” as recited by amended claim 35.

For at least this reason, Applicants respectfully assert that claim 35 is allowable over Telefonaktiebolaget. Furthermore, Applicants respectfully assert that claim 36, which depends on claim 35, is allowable for at least the reason that it depends on an allowable independent claim.

B. Independent Claim 38

Independent claim 38 recites, in part, “receiving a user message ... in the first cell” and “initiating the multicast service in **only** the group of cells neighbouring the first cell.” Additionally, claim 38 specifies that “the user equipment [is] in the first cell.” In other words, the multicast service is **only initiated in cells where user equipment is not located**.

In the final Office Action and the Advisory Action, the Examiner cites to paragraph [0054] of Telefonaktiebolaget as disclosing the activation of service in only the group of cells neighbouring the first cell. In response, Applicants respectfully disagree.

Paragraph [0054] states “the broadcast service [is activated] only in the service areas 10 identified in the requesting mobiles station’s reported active set.” Active set reports typically “entail reporting the set of RBSs 34 from which it receives signals above a given signal strength.” (Paragraph [0051]). Thus, the active set includes the cell where the mobile station is located. In other words, paragraph [0054] states that **the broadcast service will be initiated in the cell where the mobile station is located** and the cells neighbouring that cell.

Therefore, Telefonaktiebolaget at least fails to disclose or suggest, “receiving a user message ... in the first cell” and “initiating the multicast service in **only** the group of cells neighbouring the first cell,” as recited by claim 38. For at least this reason, Applicants respectfully assert that claim 38 is allowable over Telefonaktiebolaget.

II. Claim Rejections Under 35 U.S.C. § 103

A. Independent Claims 1 and 23; Dependent 18

Claim 1, 18 and 23 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over US Patent Publication No.: 2005/0213541 (“Jung”) in view of Telefonaktiebolaget.

1. Change in the Principle of Operation of Jung

The Examiner suggests “modifying the method of Jung et al. to include the user message disclosed by Telefonaktiebolaget.”

Applicants respectfully submit that the combination of Jung and Telefonaktiebolaget is not obvious because combining the references would result in a change in operation of Jung. MPEP 2143.01(VI) states that “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious.” Thus, even if the combination of Jung and Telefonaktiebolaget disclosed every element of independent claims 1 and 23, modifying the method of Jung with the teachings of Telefonaktiebolaget would change the principle of operation of method of Jung.

Jung discloses “a method for transmitting service information between network nodes in a wireless system.” (Jung Abstract.) Examples of the method include request and response messages sent between servicing radio network controllers (SRNCs), drift radio network controllers (DRNCs), and the core network (CN). (Jung Figures 6-10.) Thus, the methods of Jung operate through communication between network nodes.

In contrast, Telefonaktiebolaget discloses “a method and apparatus to determine a geographic range over which a wireless communication network activates a broadcast service” based mobile stations’ responses to a registration flag. (Telefonaktiebolaget ¶ 0008.) Thus, Telefonaktiebolaget operates by communication between the network and mobile stations.

Jung and Telefonaktiebolaget clearly operate based on different levels of communication. Therefore, modifying Jung with Telefonaktiebolaget “would require a substantial reconstruction and redesign of the elements shown in [Jung] as well as a change in the basic principle under which [Jung] was designed to operate.” (MPEP 2143.01(VI).)

For at least this reason, Applicants respectfully assert that independent claims 1 and 23 are allowable over the combination of Jung and Telefonaktiebolaget. Additionally, Applicants respectfully assert that claim 18, which depends on claim 1, is allowable for at least the reason that claim 18 depends on an allowable independent claim.

2. The Cell Providing Service is Different from The Cell Containing the UE

Independent claim 1 recites, in part, “user equipment positioned in a second cell” and “initiating the multicast service in the first cell.” In other words, **the cell containing the user equipment and the cell initiating service are different cells**.

Independent claim 23 recites, in part, “user equipment . . . in a first cell” and “transmission of the multicast service by . . . a second cell.” Similar to claim 1, claim 23 recites that **the cell containing the user equipment and the cell initiating service are different cells**.

In the final Office Action, in item 18, lines 5-7, and the Advisory Action, the Examiner cites to paragraph [0085] of Jung as disclosing “the SRNC sensing the movement of the terminal/user equipment from 2nd cell and transmitting an MBMS connection request message to a DRNC i.e. 1st cell.” Additionally, in the Advisory Action, the Examiner states that “Clearly SRNC and DRNC are two different RNCs for the user equipment as per para [0013] & shown in fig. 2.”

Applicants agree with the Examiner that the SRNC and DRNC are two different RNCs. However, Applicants respectfully assert that paragraph [0085] discloses a method where **the RNC that contains the terminal and the RNC that potentially initiates service are the same RNC** in direct contrast to claims 1 and 23 which recite that **the cell containing the user equipment and the cell initiating service are different cells**.

Specifically, paragraph [0085] of Jung states that the SRNC senses when “a terminal moves into a cell managed by a DRNC.” In other words, the SRNC is sensing that the terminal has already moved to the cell and not sensing an impending move to a cell controlled by a DRNC. Once the terminal has moved to the DRNC, the SRNC sends a “MBMS connection request message

. . . to [the] DRNC,” and the DRNC replies with a “MBMS connection response message [that] includes . . . information of the cell into which the terminal has moved.” (Paragraph [0085]). Thus, if the DRNC provides service based the MBMS connection request, the service is initiated in the same cell that contains the terminal.

Therefore, Jung at least fails to disclose or suggest **the cell containing the user equipment and the cell initiating service are different cells**, as recited by claims 1 and 23.

For at least this reason, Applicants respectfully assert that independent claims 1 and 23 are allowable over the combination of Jung and Telefonaktiebolaget. Additionally, Applicants respectfully assert that claim 18, which depends on claim 1, is allowable for at least the reason that claim 18 depends on an allowable independent claim.

B. Dependent Claims 2 and 14

Claims 2 and 14 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Telefonaktiebolaget and further in view of U.S. Patent Publication No.: 2006/0194582 A1 (“Cooper”).

Applicants respectfully assert that claims 2 and 14, which depend on claim 1, are allowable for at least the reason that claims 2 and 14 depends on an allowable independent claim.

C. Dependent Claim 17

Claim 17 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Telefonaktiebolaget, further in view of Cooper, and further in view of 3GPP TS 25.346 V6.0.0 (2004-03) (“3GPP”).

Applicants respectfully assert that claim 17, which depends on claim 1, is allowable for at least the reason that claim 17 depends on an allowable independent claim.

D. Dependent Claims 3-6, 8, 9-13, 15-16, 24-25, and 27-30

Claims 3-6, 8, 9-13, 15-16, 24-25 and 27-30 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Telefonaktiebolaget and further in view of 3GPP.

Applicants respectfully assert that claims 3-6, 8, 9-13, 15-16, 24-25 and 27-30, which variously depend on independent claims 1 and 23, are allowable over for at least the reason that they depend on an allowable independent claims.

E. Independent Claim 19; Dependent Claims 21 and 22

Claims 19 and 21-22 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Cooper.

Independent claim 19 recites, in part, “receiving at least one user message transmitted by a respective at least one user equipment.” Thus, the user messages are **transmitted by user equipments**.

The Examiner cites to Jung, paragraph 0077 as disclosing user messages. This paragraph states “the SRNC receives an MBMS UE linking message from the CN.” Figure 7 is illustrates the process described in paragraph. Figure 7 also shows the UE linking message originating from the CN. Thus, the UE linking message is **transmitted by the CN** and not by the user equipments, as recited by the claims.

Moreover, a UE linking message is a not a user message. The UE linking message is a message generated by the CN to link a UE and an SRNC once the UE has moved into a cell handled by the SRNC. (See Paragraph [0077].)

Therefore, Jung at least fails to disclose or suggest that “receiving at least one user message transmitted by a respective at least one user equipment,” as recited by claim 19.

Furthermore, also in contrast to the claims, Cooper discloses methods for the handover of a call between mobile communication networks such as UMTS and GSM networks. (Paragraph

[0002]). Thus, Cooper at least fails to disclose or suggest “receiving at least one user messages transmitted by a respective at least one user equipment,” as recited by claim 19. Accordingly, Cooper fails to cure the deficiencies of Jung.

For at least these reasons, Applicants respectfully assert that independent claim 19 is allowable over the combination of Jung and Cooper. Additionally, Applicants respectfully assert that claims 21 and 22, which depend on independent claim 19, are allowable for at least the reason that they depend on an allowable independent claim.

F. Dependent Claim 7

Claim 7 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Jung in view of Cooper and further in view of 3GPP.

Applicants respectfully assert that claim 7, which depends on independent claim 19, is allowable for at least the reason that claim 7 depends on an allowable independent claim.

G. Independent Claim 33

Claim 33 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over 3GPP in view of Cooper.

Independent claim 33 recites, in part, “the user equipment transmits on an uplink.” Claim 33 also recites, “signaling, on the uplink, a second list including an indication of acceptable cells from the first list.” Thus, claim 33 recites “that the user equipment **transmits a list of acceptable cells.**”

In the final Office Action and the Advisory Action, the Examiner cites to section 7.1 of 3GPP, entitled “MBMS Reception and UE Capability,” as disclosing user equipment transmitting a list of acceptable cells. (Page 21). This section of 3GPP relates to MBMS transmissions and minimum UE capability requirements for reception of MBMS transmissions. MBMS transmission discussed in the context of this section is **transmission from the network** and is received by the user equipment. Thus, Section 7.1 of 3GPP fails to disclose or suggest **transmission from the user equipment**.

Therefore, 3GPP at least fails to disclose or suggest “the user equipment transmits,” as recited by claim 33.

Furthermore, Cooper discloses methods for the handover of a call between mobile communication networks such as UMTS and GSM networks. (Paragraph [0002]). In contrast to the acceptable cells recited by claim 33, Cooper discloses signaling a list of **preferred networks**. Thus, Cooper at least fails to disclose or suggest “that the user equipment transmits **a list of acceptable cells**,” as recited by claim 33.

Therefore, for at least these reasons, Applicants respectfully assert that claim 33 is allowable over the combination of 3GPP and Cooper.

H. Dependent Claim 34

Claim 34 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over 3GPP in view of Cooper and further in view of Telefonaktiebolaget.

Applicants respectfully assert that claim 34, which depends on independent claim 33, is allowable for at least the reason that claim 34 depends on an allowable independent claim.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No.: 03-1952** referencing **Docket No.: 562492000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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